between cable and satellite, an increase of the standard and a corresponding increase in signal intensity model is necessary.

Mr. BRYAN. Even though the language mandating a new signal standard and predictive model was not adopted in committee, I think the chairman would agree that such language needs to be incorporated into a final measure. Many of my colleagues have been stunned to learn of the crazy circumstance that is facing many of our rural constituents as they attempt to get a network signal that they can actually watch. We shouldn's be making it more difficult for them to get this valuable service.

Mr. MCCAIN. I can assure my colleague from Nevada, we will attempt to address this in conference and rectify a very troubling inconsistency in the law.

Mr. HOLLINGS. Mr. President, I rise to support S. 247, the Satellite Home Viewers Improvement Act. This legislation represents a first step towards providing a viable competitor to cable in the multichannel video programming marketplace. Significantly, S. 247 permits direct-to-home satellite providers to transmit local broadcast signals into local markets, and eliminates the 90 day waiting period for existing cable subscribers who wish to switch to satellite service. These critical changes in the law will substantially help satellite providers compete with their cable counterparts.

I also support, for the most part, the inclusion in S. 247 of the floor amendment offered by the Senator from Arizona, Mr. MCCAIN, Amendment No. 372. This amendment is identical to the text of the committee reported amendment to S. 303, the Satellite Television Act of 1999, which was reported favorably by the Senate Commerce, Science and Transportation Committee, Senate Report No. 106–51. With one reservation, which I will explain shortly, I am pleased that the work product of the Commerce Committee will be included in the Satellite Home Viewers Improvement Act, S. 247, as passed by the Senate.

As reported by our committee, S. 303 complements S. 247 by removing additional statutory impediments that thwart the ability of direct-to-home satellite service providers to compete with cable television. S. 303 authorizes direct-to-home satellite service providers to offer their subscribers local television station broadcasts, but requires those providers to comply with the must-carry and retransmission consent rules that apply to cable television operators. In addition, S. 303 requires the Federal Communications Commission to use the Individual Location Longely-Rice Methodology to better determine who should be receiving distant network signals and who should not. Finally, the legislation requires the FCC to implement a waiver process to give consumers with unsatisfactory local television reception a timely process in which to have their concerns addressed.

While I support moving S. 247, as amended, out of the Senate, I must note one concern with the legislation. I oppose provisions in S. 303 that sanction the illegal behavior of direct broadcast satellite service providers. Those provisions permanently grandfathered the transmission of distant network signals to subscribers residing outside of their local station's Grade A contour, but within the Grade B contour, regardless of whether those subscribers are actually able to receive the signals of their local stations. My opposition to this approach is explained in greater detail in the minority views filed with the Committee Report. In brief, I will say that the provisions I opposed put the legislation squarely in the position of sanctioning illegal behavior. As a law and order man, that is not an approach I am willing to support.

Otherwise, I am extremely pleased that the Senate has been able to act so quickly on this important issue. By passing legislation so early in the 106th Congress, we have gone a long way toward ensuring greater competition in the video programming marketplace.

Mr. KOHL. Mr. President, I rise in support of this legislation because it will increase competition between satellite and cable. Senators MCCAIN, HATCH, LEAHY, HOLLINGS, DEWINE and others deserve credit for moving this measure so quickly this term, especially when we came so close last year.

Mr. President, when the Judiciary and Commerce bills are combined as one, it creates a good, comprehensive measure. Satellite companies will finally be allowed to legally broadcast local stations to local viewers—so-called ''local into local.'' The strange anomaly that restricted satellite from providing local signals will be a thing of the past. And to be balanced, satellite companies will also be subject to ''must-carry'' obligations, just like cable. This bill will also reduce the royalty fees for those local signals to a level closer to that paid by cable companies. All of this moves us towards parity between satellite and cable, and it is a huge step forward for consumers. Let me tell you why.

Increased competition will discipline the cable marketplace which, in turn, will create lower prices, increased choice, and wider availability of television programming for all Americans, no matter how remote. And we do this in the best way possible, by promoting competition, not increasing regulation. Moreover, it won't be at the expense of our local television stations, which provide a valuable community benefit in the form of local news, weather, sports and various forms of public service.

One of the hardest questions to address, of course, is which viewers should be entitled to receive ''distant network'' signals, especially in rural states like mine. Authorizing ''local into local'' is a crucial first step and, eventually, when technology advances and more satellites are launched, we will see ''local into local'' almost everywhere. So, this bill goes a long way to ensure that every viewer will receive one signal of each of the major television networks—this is a marked improvement over the current situation.

Mr. President, I urge my colleagues to support this bipartisan measure which will permit satellite companies to compete on a more level playing field with cable. We have our work cut out for us at conference because the House version is quite different from ours. But there is no excuse for not enacting this pro-competition, pro-consumer legislation this year. Let's get to conference and get this bill done.

Mr. HATCH. Mr. President, I ask unanimous consent that the bill, as amended, be read a third time, and that the Senate proceed to Calendar No. 93, H.R. 1554. I further ask unanimous consent that all after the enacting clause be stricken and the text of S. 247, as amended, be inserted in lieu thereof; that the bill be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD. I finally ask unanimous consent that S. 247 then be placed back on the Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1554), as amended, was read the third time and passed.

AUTHORIZATION OF LEGAL REPRESENTATION

Mr. HATCH. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 104 submitted earlier by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 104) to authorize testimony, production of documents, and legal representation in United States v. Nippon Miniature Bearing, Inc., et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, this resolution concerns a subpoena for testimony and document production in an action brought by the United States Customs Service in the Court of International Trade against Nippon Miniature Bearing, Inc., and its parent and subsidiary, alleging false representations to Customs about the composition of imported bearings. The defendants have subpoenaed Tim Osborn, a former employee of the Senate Committee on

Small Business, seeking to depose him regarding his communications with the Customs Service and others about this investigation. Mr. Osborn's activities were on behalf of the Small Business Committee, in preparing for and conducting a September 1988 oversight hearing of the Customs Service concerning its enforcement of laws affecting the bearing industry. The information that the defendants seek therefore is privileged from compelled discovery from the Congress under the Constitution's Speech or Debate Clause.

This resolution would authorize the Senate Legal Counsel to provide representation in order to move to quash the subpoena and otherwise protect the Senate's privileges in this matter. The resolution would authorize Mr. Osborn and any other former Member or employee of the Senate to testify and produce documents in this case only to the extent consistent with these privileges.

Mr. HATCH. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 104) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 104

Whereas, in the case of United States v. Nippon Miniature Bearing, Inc., et al., Court No. 96–12–02853, pending in the United States Court of International Trade, a subpoena for testimony and documents has been issued to Tim Osborn, a former employee of the Senate Committee on Small Business, concerning the performance of is duties on behalf of the Committee;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C.§§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members or employees of the Senate with respect to any subpoena, order, or request for testimony or documents relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Tim Osborn, and any other former Senate Member or employee from whom testimony may be required, are authorized to testify and produce documents in the case of United States v. Nippon Miniature Bearing, Inc., et al., except concerning matters for which a privilege should be asserted.

Sec. 2. The Senate Legal Counsel is authorized to represent Tim Osborn, and any other former Member or employee of the Senate from whom testimony may be required, in connection with the case of United States v. Nippon Miniature Bearing, Inc., et al.

EXECUTIVE SESSION

TREATY

Mr. HATCH. I ask unanimous consent that the Senate proceed to executive session to consider the following treaty on today's Executive Calendar: No. 2. I further ask unanimous consent that the treaty be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification; that all committee provisos, reservations, understandings, declarations be considered agreed to; that any statements be printed in the CONGRESSIONAL RECORD as if read; I further ask consent that when the resolution of ratification is voted upon the motion to reconsider be laid upon the table; the President be notified of the Senate's action and that following the disposition of the treaty, the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The treaty will be considered to have passed through its various parliamentary stages up to and including the presentation of the resolution of ratification.

The resolution of ratification is as follows:

AMENDED MINES PROTOCOL

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO A RESERVATION, UNDERSTANDING, AND CONDITIONS.

The Senate advises and consents to the ratification of the Amended Mines Protocol (as defined in section 5 of this resolution), subject to the reservation in section 2, the understandings in section 3, and the conditions in section 4.

SEC. 2. RESERVATION.

The Senate's advice and consent to the ratification of the Amended Mines Protocol is subject to the reservation, which shall be included in the United States instrument of ratification and shall be binding upon the President, that the United States reserves the right to use other devices (as defined in Article 2(5) of the Amended Mines Protocol) to destroy any stock of food or drink that is judged likely to be used by an enemy military force, if due precautions are taken for the safety of the civilian population.

SEC. 3. UNDERSTANDINGS.

The Senate's advice and consent to the ratification of the Amended Mines Protocol is subject to the following understandings, which shall be included in the United States instrument of ratification and shall be binding upon the President:

(1) UNITED STATES COMPLIANCE.—The United States understands that—

(A) any decision by any military commander, military personnel, or any other person responsible for planning, authorizing, or executing military action shall only be judged on the basis of that person's assessment of the information reasonably available to the person at the time the person planned, authorized, or executed the action under review, and shall not be judged on the basis of information that comes to light after the action under review was taken; and

(B) Article 14 of the Amended Mines Protocol (insofar as it relates to penal sanctions) shall apply only in a situation in which an individual—

(i) knew, or should have known, that his action was prohibited under the Amended Mines Protocol;

(ii) intended to kill or cause serious injury to a civilian; and

(iii) knew or should have known, that the person he intended to kill or cause serious injury was a civilian.

(2) EFFECTIVE EXCLUSION.—The United States understands that, for the purposes of Article 5(6)(b) of the Amended Mines Protocol, the maintenance of observation over avenues of approach where mines subject to that Article are deployed constitutes one acceptable form of monitoring to ensure the effective exclusion of civilians.

(3) HISTORIC MONUMENTS.—The United States understands that Article 7(1)(i) of the Amended Mines Protocol refers only to a limited class of objects that, because of their clearly recognizable characteristics and because of their widely recognized importance, constitute a part of the cultural or spiritual heritage of peoples.

(4) LEGITIMATE MILITARY OBJECTIVES.—The United States understands that an area of land itself can be a legitimate military objective for the purpose of the use of landmines, if its neutralization or denial, in the circumstances applicable at the time, offers a military advantage.

(5) PEACE TREATIES.—The United States understands that the allocation of responsibilities for landmines in Article 5(2)(b) of the Amended Mines Protocol does not preclude agreement, in connection with peace treaties or similar arrangements, to allocate responsibilities under that Article in a manner that respects the essential spirit and purpose of the Article.

(6) BOOBY-TRAPS AND OTHER DEVICES.—For the purposes of the Amended Mines Protocol, the United States understands that—

(A) the prohibition contained in Article 7(2) of the Amended Mines Protocol does not preclude the expedient adaptation or adaptation in advance of other objects for use as booby-traps or other devices;

(B) a trip-wired hand grenade shall be considered a ''booby-trap'' under Article 2(4) of the Amended Mines Protocol and shall not be considered a ''mine'' or an ''anti-personnel mine'' under Article 2(1) or Article 2(3), respectively; and

(C) none of the provisions of the Amended Mines Protocol, including Article 2(5), applies to hand grenades other than trip-wired hand grenades.

(7) NON-LETHAL CAPABILITIES.—The United States understands that nothing in the Amended Mines Protocol may be construed as restricting or affecting in any way non-lethal weapon technology that is designed to temporarily disable, stun, signal the presence of a person, or operate in any other fashion, but not to cause permanent incapacity.

(8) INTERNATIONAL TRIBUNAL JURISDICTION.—The United States understands that the provisions of Article 14 of the Amended Mines Protocol relating to penal sanctions refer to measures by the authorities of States Parties to the Protocol and do not authorize the trial of any person before an international criminal tribunal. The United